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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,791	03/28/2000	Andrew S. Van Luchene	99-086	5835
22927	7590	06/23/2009	EXAMINER	
WALKER DIGITAL MANAGEMENT, LLC			HAMILTON, LALITA M	
2 HIGH RIDGE PARK			ART UNIT	PAPER NUMBER
STAMFORD, CT 06905			3691	
			MAIL DATE	DELIVERY MODE
			06/23/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/536,791	VAN LUCHENE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lalita M. Hamilton	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 March 2009.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5, 7, 8 and 10-45 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 41-45 is/are allowed.

6) Claim(s) 1-5, 7, 8 and 10-40 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### Request for Continued Examination (RCE)

The RCE filed on March 16, 2009 has been processed. A non-final follows.

#### ***Allowable Subject Matter***

Claims 41-45 are allowed.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-8, and 10-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker (7,385,508).

Walker discloses a method and corresponding device and medium for facilitating a transaction comprising conducting a transaction, receiving, by a controller and from an applicant, an application for a financial account and an authorization to credit a first amount to the financial account, receiving, by the controller and from the applicant, information identifying a substitute form of collection associated with the applicant technique, and finalizing, by the controller, the transaction via after receipt of the application and the information (col.7, line 60 to col.8, line 67—the collection techniques may specify two or more forms of currency--ie. miles and cash); receiving, by the

controller and from the applicant, an acceptance of an incentive offer, wherein the first amount is based on the incentive offer (col.7, line 60 to col.8, line 67); establishing, by the controller, a second amount associated with the substitute form of collection, wherein the second amount is less than the first amount technique (col.7, line 60 to col.8, line 67); offering, by the controller and to the applicant, an incentive based on receipt of the application (col.7, line 60 to col.8, line 67); offering, by the controller and to the applicant, an incentive based on an approval of the application (col.7, line 60 to col.8, line 67); wherein the information identifying the substitute form of collection includes information specifying at least one of: (i) a credit account to be credited; (ii) a debit account to be credited; (iii) a financial account to be credited; (iv) a store account to be credited; and (v) an address to which payment is to be sent (col.7, line 60 to col.8, line 67); finalizing the transaction comprises: approving the application; and crediting the financial account by an amount equal to the first amount (col.7, line 60 to col.8, line 67); finalizing the transaction declining the application and crediting the substitute form of collection by a second amount that is less than the first amount (col.7, line 60 to col.8, line 67); the second amount is equal to the first amount minus an incentive amount (col.7, line 60 to col.8, line 67); finalizing the transaction further comprises: performing an analysis of the application and performing, by the controller, one of: crediting the financial account by an amount equal to the first amount if the analysis indicates an approval of the application and crediting the substitute form of collection by a second amount that is less than the first amount if the analysis indicates

a refusal of the application (col.7, line 60 to col.8, line 67); the second amount is equal to the first amount less an incentive amount (col.7, line 60 to col.8, line 67).

***Response to Arguments***

Applicant's arguments with respect to claims 1-5, 7-8, and 10-45 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lalita M Hamilton/  
Primary Examiner, Art Unit 3691